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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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AT&T CORP. P.O. BOX 4110 MIDDLETOWN, NJ 07748			MOFIZ, APU M	
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			2165	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/919,912	<b>Applicant(s)</b> MILEWSKI ET AL.	
	<b>Examiner</b> Apu M Mofiz	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Examiner's Response to Applicant's Remarks*

1. Applicant's arguments submitted on 05/18/2004 with respect to claims 1-19 and 22 have been reconsidered but are not deemed persuasive for the reasons set forth below.

Examiner's Response to Applicant's Remarks (pages 6-9) are listed below:

2. Applicant argues (under REMARKS section) that, "Nothing that is provided by the Kelly et al system is stored in a network-based repository/server."

Examiner respectfully disagrees. Kelly teaches **a method for searching for an archived** (i.e. "Database 40 comprises information compiled from various sources, such as TV advertisements schedules 50 associated with various shows, TV show schedules 52, TV advertisers websites 62 and other websites topically related to broadcast content 64" The preceding text excerpts clearly indicate that the database/database server (i.e. it serves information to the PCTV) on the network/internet contains information about archived/stored various TV shows at the broadcasters websites, which stores/archives their shows/information in their websites) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **item of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **comprising the steps of: viewing an item of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **on a first medium** (i.e. the TV) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **by a viewer** (Fig.1; col 2, lines 35-67; col 3, lines 1-28); **providing a record** (i.e. "activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory" ... "When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-

*line service 60 to a central database 40.*" The preceding text excerpts and Fig.1 clearly indicates that the PCTV transmits the Activity Table comprising the activity records to the **central database server on the network 60**. Therefore, Applicant's argument that the event information is stored in local memory i.e. the PCTV itself is incorrect. The record containing viewer and the program i.e. the item of interest identification information only is stored at the local PCTV memory.) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **to a network server** (i.e. the database server at the network 60) (Fig.1), **which record** (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **contains identification information** (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory"* ... *"When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40."* The preceding text excerpts clearly indicates that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet. Kelly provides some sample/example of identifying data, and the example does not provide the complete list of identification data. Kelly teaches that the data in the activity record identifies the viewer, therefore anticipates the claimed language of sufficiently identifying the viewer.) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) **for said item of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **and identification information** (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) **of said viewer** (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **that is sufficient** (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory"* ... *"When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40."* The preceding text excerpts clearly indicates that the viewer provides viewer identification information along

with the TV event identifying information to the central database/database server on the network/internet. Kelly provides some sample/example of identifying data, and the example does not provide the complete list of identification data. Kelly teaches that the data in the activity record "identifies the viewer", therefore anticipates the claimed language of sufficiently identifying the viewer.) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) to

**identify said record** (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **as one submitted by said**

**viewer** (Fig.1; col 2, lines 35-67; col 3, lines 1-28); **identifying an archival address** (i.e. *"When the viewer wants to access the various websites associated with the selected broadcast events, the viewer then activates download button 17 to transfer stored AT 204 to personal computing device 20 via the wireless interface 231 or the I/O interface 233. When viewer activates network access button 16 ("GO"), personal computing device 20 transmits AT 204 to database 40, whereupon in response, database 40 transmits to personal computing device 20 the network address of the associated website correlating the viewer's selection."* The preceding text excerpts clearly indicates that the database identifies the network address or the URL of the website, which archives/stores the viewer's item of interest and transmits/sends to the viewer's personal computing device.) (Fig.1; Fig. 4; col 5, lines 50-67) **for**

**an archived version** (i.e. stored) **of said item of interest** (Fig.1; col 2, lines 35-67; col 3, lines 1-

28), **said archived** (i.e. stored) **version of said item of interest** (Fig.1; col 2, lines 35-67; col 3,

lines 1-28) **being stored on a second medium** (i.e. they are stored in the broadcaster/TV advertiser

maintained storages e.g. websites where a website is essentially connected to a database or other forms of storage)

(Fig.1; col 2, lines 35-67; col 3, lines 1-28); **and transmitting said archival address** (i.e. *"When the*

*viewer wants to access the various websites associated with the selected broadcast events, the viewer then activates download button 17 to transfer stored AT 204 to personal computing device 20 via the wireless interface 231 or the I/O interface 233. When viewer activates network access button 16 ("GO"), personal computing device 20 transmits AT 204 to database 40, whereupon in response, database 40 transmits to personal computing device 20 the network address of the associated website correlating the viewer's selection."* The preceding text excerpts clearly indicates that the database identifies the network address or the URL of the website, which archives/stores the viewer's item

of interest and transmits/sends to the viewer's personal computing device.) (Fig.1; Fig. 4; col 5, lines 50-67) **for**

**said archived** (i.e. stored broadcasts/ advertisements at the advertiser's website) (Fig.1; Fig. 4; col 5, lines 50-67) **version of said item of interest** (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **to the viewer** (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

3. Applicant argues that Kelly does not teach, "the viewer provided information is provided to a network server."

Examiner respectfully disagrees. Kelly teaches **providing a record** (i.e. "*activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory*" ... "*When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40.*" The preceding text excerpts and Fig.1 clearly indicates that the PCTV transmits the Activity Table comprising the **activity records** to the **central database server on the network 60**. Therefore, Applicant's argument that the event information is stored in local memory i.e. the PCTV itself is incorrect. The record containing viewer and the program i.e. the item of interest identification information only is stored at the local PCTV memory.) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **to a network server** (i.e. the database server at the network 60) (Fig.1).

4. Applicant argues that Kelly does not teach "providing identification information for the item of interest and identification information of the viewer that is sufficient to identify a record as one submitted by the viewer."

Examiner respectfully disagrees. Kelly teaches **providing a record** (i.e. "*activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory*" ... "*When the viewer is ready to browse the websites associated with the selected broadcast events, either network*

*access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40.*" The preceding text excerpts and Fig.1 clearly indicates that the PCTV transmits the Activity Table comprising the activity records to the **central database server on the network 60**. Therefore, Applicant's argument that the event information is stored in local memory i.e. the PCTV itself is incorrect. The record containing viewer and the program i.e. the item of interest identification information only is stored at the local PCTV memory.) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **to a network server** (i.e. the database server at the network 60) (Fig.1), **which record** (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **contains identification information** (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory"* ... *"When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40."* The preceding text excerpts clearly indicates that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet. Kelly provides some sample/example of identifying data, and the example does not provide the complete list of identification data. Kelly teaches that the data in the activity record identifies the viewer, therefore anticipates the claimed language of sufficiently identifying the viewer.) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) **for said item of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **and identification information** (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) **of said viewer** (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **that is sufficient** (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory"* ... *"When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular*

*demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40.*" The preceding text excerpts clearly indicates that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet. Kelly provides some sample/example of identifying data, and the example does not provide the complete list of identification data. Kelly teaches that the data in the activity record "identifies the viewer", therefore anticipates the claimed language of sufficiently identifying the viewer.) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) **to identify said record (Fig.1; col 2, lines 35-67; col 3, lines 1-28) as one submitted by said viewer (Fig.1; col 2, lines 35-67; col 3, lines 1-28).**

5. Applicant argues that Kelly does not teach, "the step of providing includes information that specifies a particular portion of the item of interest."

Examiner respectfully disagrees. Kelly teaches **the step of providing identification information** (i.e. the viewer provided identification information) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **for said item of interest includes providing information specifying a particular portion** (i.e. user can predetermine the date, time and channel in the activity table. Therefore if the event starts at time x and finishes at time y. The user sets the time x+a, the time duration (x+a) – y would be a particular portion of the corresponding program/event. The user is therefore interested only (x+a)-y portion of the program. Therefore the applicant's argument is incorrect) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **of said item of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

6. Applicant argues that Kelly does not teach "bookmarking while viewing a program."



Examiner respectfully disagrees. Kelly teaches **a method for bookmarking** (i.e. *"TV event marking system 100 allows a viewer to "bookmark" a set of selected TV events as they are broadcast, such as, but not limited to, a TV advertisement, a TV news broadcast, a TV educational or entertainment program, or a TV job training show."* The preceding text excerpts clearly indicates that the viewer can bookmark an event while the event is being broadcasted.) (col 2, lines 35-67) **archived items of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **comprising the steps of: a viewer viewing a program** (col 2, lines 35-67); **in the course of said viewing, said viewer** (col 2, lines 35-67) **sending to a network server** (i.e. the database server at the network 60) (Fig.1) **information about the viewer** (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory" ... "When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40."* The preceding text excerpts clearly indicates that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet. Kelly provides some sample/example of identifying data, and the example does not provide the complete list of identification data. Kelly teaches that the data in the activity record identifies the viewer, therefore anticipates the claimed language of sufficiently identifying the viewer.) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28), **and about said program or portions of said program** (i.e. user can predetermine the date, time and channel in the activity table. Therefore if the event starts at time x and finishes at time y. The user sets the time x+a, the time duration (x+a) – y would be a particular portion of the corresponding program/event. The user is therefore interested only (x+a)-y portion of the program. Therefore the applicant's argument is incorrect) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **that said viewer** (col 2, lines 35-67) **wished to bookmark** (col 2, lines 35-67); **in response to said sending, determining an archival address** (i.e. *"When the viewer wants to access the various websites associated with the selected*

*broadcast events, the viewer then activates download button 17 to transfer stored AT 204 to personal computing device 20 via the wireless interface 231 or the I/O interface 233. When viewer activates network access button 16 ("GO"), personal computing device 20 transmits AT 204 to database 40, whereupon in response, database 40 transmits to personal computing device 20 the network address of the associated website correlating the viewer's selection."* The preceding text excerpts clearly indicates that the database identifies the network address or the URL of the website, which archives/stores the viewer's item of interest and transmits/sends to the viewer's personal computing device.) (Fig.1; Fig. 4; col 5, lines 50-67) **in an archive medium** (i.e. the advertiser's web site) (Fig.1; Fig. 4; col 5, lines 50-67) **that may be used to access said program or said portions** (i.e. user can predetermine the date, time and channel in the activity table. Therefore if the event starts at time x and finishes at time y. The user sets the time x+a, the time duration (x+a) – y would be a particular portion of the corresponding program/event. The user is therefore interested only (x+a)-y portion of the program. Therefore the applicant's argument is incorrect) (Fig.1; col 2, lines 35-67; col 3, lines 1-28), **corresponding to said bookmark information** (i.e. the user provided event related information that enables the system to bookmark the program) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) **sent by said viewer** (col 2, lines 35-67); **and following said determining** (Fig.1; Fig. 4; col 5, lines 50-67), **sending an archival address** (Fig.1; Fig. 4; col 5, lines 50-67) **that corresponds to said bookmark information** (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) **to said viewer** (col 2, lines 35-67).

Any other arguments by the applicant are more limiting than the claimed language.

7. Applicant is inaccurate for the reasons explicitly stated in the First Office Action. Examiner asserts that the Kelly teaches Applicant's invention.

8. These reasons have been explicitly stated in the First Office Action. Please see the next section for Applicant's newly added claimed limitations rejection.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-4,7-9,11-12 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al. (U.S. Patent No. 5,907,322 and Kelly hereinafter).

As to claim 1, Kelly teaches Kelly teaches a method for searching for an archived (i.e. "Database 40 comprises information compiled from various sources, such as TV advertisements schedules 50 associated with various shows, TV show schedules 52, TV advertisers websites 62 and other websites topically related to broadcast content 64" The preceding text excerpts clearly indicate that the database/database server (i.e. it serves information to the PCTV) on the network/internet contains information about archived/stored various TV shows at the broadcasters websites, which stores/archives their shows/information in their websites) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **item of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **comprising the steps of: viewing an item of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **on a first medium** (i.e. the TV) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **by a viewer** (Fig.1; col 2, lines 35-67; col 3,

lines 1-28); providing a record (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory"* ... *"When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40."* The preceding text excerpts and Fig.1 clearly indicates that the PCTV transmits the Activity Table comprising the activity records to the **central database server on the network 60**. Therefore, Applicant's argument that the event information is stored in local memory i.e. the PCTV itself is incorrect. The record containing viewer and the program i.e. the item of interest identification information only is stored at the local PCTV memory.) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **to a network server** (i.e. the database server at the network 60) (Fig.1), which record (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **contains identification information** (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory"* ... *"When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40."* The preceding text excerpts clearly indicates that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet. Kelly provides some sample/example of identifying data, and the example does not provide the complete list of identification data. Kelly teaches that the data in the activity record identifies the viewer, therefore anticipates the claimed language of sufficiently identifying the viewer.) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) **for said item of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **and identification information** (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) **of said viewer** (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **that is sufficient** (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory"* ... *"When the viewer is ready to browse the websites*

*associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40.*” The preceding text excerpts clearly indicates that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet. Kelly provides some sample/example of identifying data, and the example does not provide the complete list of identification data. Kelly teaches that the data in the activity record “identifies the viewer”, therefore anticipates the claimed language of sufficiently identifying the viewer.) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) to identify said record (Fig.1; col 2, lines 35-67; col 3, lines 1-28) as one submitted by said viewer (Fig.1; col 2, lines 35-67; col 3, lines 1-28); identifying an archival address (i.e. “*When the viewer wants to access the various websites associated with the selected broadcast events, the viewer then activates download button 17 to transfer stored AT 204 to personal computing device 20 via the wireless interface 231 or the I/O interface 233. When viewer activates network access button 16 (“GO”), personal computing device 20 transmits AT 204 to database 40, whereupon in response, database 40 transmits to personal computing device 20 the network address of the associated website correlating the viewer’s selection.*” The preceding text excerpts clearly indicates that the database identifies the network address or the URL of the website, which archives/stores the viewer’s item of interest and transmits/sends to the viewer’s personal computing device.) (Fig.1; Fig. 4; col 5, lines 50-67) for an archived version (i.e. stored) of said item of interest (Fig.1; col 2, lines 35-67; col 3, lines 1-28), said archived (i.e. stored) version of said item of interest (Fig.1; col 2, lines 35-67; col 3, lines 1-28) being stored on a second medium (i.e. they are stored in the broadcaster/TV advertiser maintained storages e.g. websites where a website is essentially connected to a database or other forms of storage) (Fig.1; col 2, lines 35-67; col 3, lines 1-28); and transmitting said archival address (i.e. “*When the viewer wants to access the various websites associated with the selected broadcast events, the viewer then activates download button 17 to transfer stored AT 204 to personal computing device 20 via the wireless interface 231 or the I/O interface 233. When viewer activates network access button 16 (“GO”), personal computing device 20 transmits AT 204 to*

*database 40, whereupon in response, database 40 transmits to personal computing device 20 the network address of the associated website correlating the viewer's selection.*" The preceding text excerpts clearly indicates that the database identifies the network address or the URL of the website, which archives/stores the viewer's item of interest and transmits/sends to the viewer's personal computing device.) (Fig.1; Fig. 4; col 5, lines 50-67) for said archived (i.e. stored broadcasts/ advertisements at the advertiser's website) (Fig.1; Fig. 4; col 5, lines 50-67) version of said item of interest (Fig.1; col 2, lines 35-67; col 3, lines 1-28) to the viewer (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

As to claim 2, Kelly teaches the step of bookmarking said archival address on a personal computer of the viewer (i.e. *"Database 40 then generates a custom list of data for the user which indicates bookmarks associated with the broadcast event. For example this list of data could take the form, but not limited to, a World Wide Web (www) page on the internet."*... *"network access device 21 such as a set-top box comprising a computer system coupled to a conventional TV tuner 34, or a specialized TV having computer processing capability (i.e. a PCTV), both having conventional network connection capabilities or other means for on-line access to the internet or other networks 60."* The preceding text excerpts clearly indicates that a user sitting at a PCTV can receive bookmark information/URL/archival address from the network database server and bookmark the websites using a generic conventional web browser) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

As to claim 3, Kelly teaches the step of providing identification information (i.e. the viewer provided identification information) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) for said item of interest includes providing information specifying a particular portion (i.e. user can predetermine the date, time and channel in the activity table. Therefore if the event starts at time x and finishes at time y. The user sets the time x+a, the time duration (x+a) – y would be a particular portion of the corresponding program/event. The user is therefore interested only (x+a)-y portion of the program. Therefore the applicant's

argument is incorrect) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) of said item of interest (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

As to claim 4, Kelly teaches that the said information (i.e. the viewer provided identifying information) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) specifying a particular portion (i.e. user can predetermine the date, time and channel in the activity table. Therefore if the event starts at time x and finishes at time y. The user sets the time x+a, the time duration (x+a) – y would be a particular portion of the corresponding program/event. The user is therefore interested only (x+a)-y portion of the program. Therefore the applicant's argument is incorrect) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) of said item of interest (i.e. the broadcasted event) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) is a time (i.e. a particular date, time, channel of the broadcasted event) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) when viewing said particular portion (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

As to claim 7, Kelly teaches the step of storing said archival address on a web page (i.e. "Database 40 then generates a custom list of data for the user which indicates bookmarks associated with the broadcast event. For example this list of data could take the form, but not limited to, a World Wide Web (www) page on the internet."... "network access device 21 such as a set-top box comprising a computer system coupled to a conventional TV tuner 34, or a specialized TV having computer processing capability (i.e. a PCTV), both having conventional network connection capabilities or other means for on-line access to the internet or other networks 60." The preceding text excerpts clearly indicates that a user sitting at a PCTV can receive bookmark information/URL/archival address from the network database server and bookmark the websites using a generic conventional web browser) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

As to claim 8, Kelly teaches the step of storing said archival address on a personal computer (i.e. *"Database 40 then generates a custom list of data for the user which indicates bookmarks associated with the broadcast event. For example this list of data could take the form, but not limited to, a World Wide Web (www) page on the internet." ... "network access device 21 such as a set-top box comprising a computer system coupled to a conventional TV tuner 34, or a specialized TV having computer processing capability (i.e. a PCTV), both having conventional network connection capabilities or other means for on-line access to the internet or other networks 60."* The preceding text excerpts clearly indicate that a user sitting at a PCTV can receive bookmark information/URL/archival address/or any other information related to the event from the network database server and bookmark the websites using a generic conventional web browser; the archival address/bookmark can be stored in a web page also to be viewed by the viewer) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

As to claim 9, Kelly teaches the step of providing information associated with said archival address to said web page (i.e. *"Database 40 then generates a custom list of data for the user which indicates bookmarks associated with the broadcast event. For example this list of data could take the form, but not limited to, a World Wide Web (www) page on the internet." ... "network access device 21 such as a set-top box comprising a computer system coupled to a conventional TV tuner 34, or a specialized TV having computer processing capability (i.e. a PCTV), both having conventional network connection capabilities or other means for on-line access to the internet or other networks 60."* The preceding text excerpts clearly indicate that a user sitting at a PCTV can receive bookmark information/URL/archival address/or any other information related to the event from the network database server and bookmark the websites using a generic conventional web browser; the archival address/bookmark can be stored in a web page also to be viewed by the viewer) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).



As to claim 11, Kelly teaches that the archival address (i.e. the bookmark/URL) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) for said archived version of said item (i.e. the stored events/shows/programs/program associated information at the broadcasters web sites) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) of interest is a URL (i.e. the bookmark) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

As to claim 12, Kelly teaches an apparatus for bookmarking an archived (i.e. stored) item of interest (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) comprising: a network server (i.e. the database on the network that provides/serves information related to the TV event to the viewer; a server is any computer or program (i.e. database) that responds to commands from a client. In other words, any software entity that serves a clients request) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) (Fig.1; col 2, lines 35-67; col 3, lines 1-28); a database resident in said network server (i.e. the database on the network that provides/serves information related to the TV event to the viewer; a server is any computer or program (i.e. database) that responds to commands from a client. In other words, any software entity that serves a clients request) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) (Fig.1; col 2, lines 35-67; col 3, lines 1-28), said database (i.e. the central database) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) containing information related to availability (i.e. *"Database 40 comprises information compiled from various sources, such as TV advertisements schedules 50 associated with various TV shows, TV show schedules 52, TV advertisers websites 62 and other websites topically related to broadcast content 64. AT 204 is then used to determine which data in the database 40 should be retrieved and presented to the viewer."*) of an item interest (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) stored on an archiving network (i.e. the internet that is used for archiving data) (Fig.1; col 2, lines 35-67; col 3, lines 1-28); a network interface ) (Fig.1; col 2, lines 35-67; col 3, lines 1-28), said network interface (Fig.1; col 2, lines 35-67; col 3, lines 1-28) contained in said network server (i.e. the database on the

network that provides/serves information related to the TV event to the viewer; a server is any computer or program (i.e. database) that responds to commands from a client. In other words, any software entity that serves a clients request) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) and providing interconnection (Fig.1; col 2, lines 35-67; col 3, lines 1-28) to the archiving network (i.e. the internet that is used for archiving data) (Fig.1; col 2, lines 35-67; col 3, lines 1-28); and a user input device (Fig.1; col 2, lines 35-67; col 3, lines 1-28), said user input device communicating with said network server (i.e. the database on the network that provides/serves information related to the TV event to the viewer; a server is any computer or program (i.e. database) that responds to commands from a client. In other words, any software entity that serves a clients request) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) to provide identification information (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory" ... "When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40."* The preceding text excerpts clearly indicates that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet. Kelly provides some sample/example of identifying data, and the example does not provide the complete list of identification data. Kelly teaches that the data in the activity record "identifies the viewer", therefore anticipates the claimed language of sufficiently identifying the viewer.) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) and information of the viewer of the item of interest (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28), with sufficient specificity to uniquely identify (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory" ... "When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying*

*data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40.*" The preceding text excerpts clearly indicates that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet. Kelly provides some sample/example of identifying data, and the example does not provide the complete list of identification data. Kelly teaches that the data in the activity record "identifies the viewer", therefore anticipates the claimed language of sufficiently identifying the viewer.) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) **said viewer and the viewer of the item of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **wherein the viewer of the item of interest is viewing the item of interest on a medium** (i.e. a browser or a TV) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **separate from a medium** (i.e. they are stored in the broadcaster maintained storages e.g. websites where a website is essentially connected to a database or other forms of storage) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **that stores an archived version of the item of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

As to claim 16, Kelly teaches Kelly teaches a method for bookmarking (i.e. "TV event marking system 100 allows a viewer to "bookmark" a set of selected TV events **as they are broadcast**, such as, but not limited to, a TV advertisement, a TV news broadcast, a TV educational or entertainment program, or a TV job training show." The preceding text excerpts clearly indicates that the viewer can bookmark an event while the event is being broadcasted.) (col 2, lines 35-67) **archived items of interest** (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **comprising the steps of: a viewer viewing a program** (col 2, lines 35-67); **in the course of said viewing, said viewer** (col 2, lines 35-67) **sending to a network server** (i.e. the database server at the network 60) (Fig.1) **information about the viewer** (i.e. "activity record (AR) entry

*comprises data describing the date, time, and channel is stored into an electronic memory" ... "When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40."* The preceding text excerpts clearly indicates that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet. Kelly provides some sample/example of identifying data, and the example does not provide the complete list of identification data. Kelly teaches that the data in the activity record identifies the viewer, therefore anticipates the claimed language of sufficiently identifying the viewer.) (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28), **and about said program or portions of said program** (i.e. user can predetermine the date, time and channel in the activity table. Therefore if the event starts at time x and finishes at time y. The user sets the time x+a, the time duration (x+a) – y would be a particular portion of the corresponding program/event. The user is therefore interested only (x+a)-y portion of the program. Therefore the applicant's argument is incorrect) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **that said viewer** (col 2, lines 35-67) **wished to bookmark** (col 2, lines 35-67); **in response to said sending, determining an archival address** (i.e. *"When the viewer wants to access the various websites associated with the selected broadcast events, the viewer then activates download button 17 to transfer stored AT 204 to personal computing device 20 via the wireless interface 231 or the I/O interface 233. When viewer activates network access button 16 ("GO"), personal computing device 20 transmits AT 204 to database 40, whereupon in response, database 40 transmits to personal computing device 20 the network address of the associated website correlating the viewer's selection."* The preceding text excerpts clearly indicates that the database identifies the network address or the URL of the website, which archives/stores the viewer's item of interest and transmits/sends to the viewer's personal computing device.) (Fig.1; Fig. 4; col 5, lines 50-67) **in an archive medium** (i.e. the advertiser's web site) (Fig.1; Fig. 4; col 5, lines 50-67) **that may be used to access said program or said portions** (i.e. user can predetermine the date, time and channel in the activity table. Therefore if the event starts at time x and finishes at time y. The user sets the time x+a, the time duration (x+a) – y would be a particular portion of the corresponding program/event. The user is therefore interested

only (x+a)-y portion of the program. Therefore the applicant's argument is incorrect) (Fig. 1; col 2, lines 35-67; col 3, lines 1-28), corresponding to said bookmark information (i.e. the user provided event related information that enables the system to bookmark the program) (Fig. 1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) sent by said viewer (col 2, lines 35-67); and following said determining (Fig. 1; Fig. 4; col 5, lines 50-67), sending an archival address (Fig. 1; Fig. 4; col 5, lines 50-67) that corresponds to said bookmark information (Fig. 1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) to said viewer (col 2, lines 35-67).

As to claim 17, Kelly teaches that the step of storing said archival address on a personal computer (i.e. *"Database 40 then generates a custom list of data for the user which indicates bookmarks associated with the broadcast event. For example this list of data could take the form, but not limited to, a World Wide Web (www) page on the internet."...* *"network access device 21 such as a set-top box comprising a computer system coupled to a conventional TV tuner 34, or a specialized TV having computer processing capability (i.e. a PCTV), both having conventional network connection capabilities or other means for on-line access to the internet or other networks 60."* The preceding text excerpts clearly indicate that a user sitting at a PCTV can receive bookmark information/URL/archival address/or any other information related to the event from the network database server and bookmark the websites using a generic conventional web browser; the archival address/bookmark can be stored in a web page also to be viewed by the viewer) (Fig. 1; col 2, lines 35-67; col 3, lines 1-28).

As to claim 18, Kelly teaches step of said archival address is effected by sending a web page (i.e. *"Database 40 then generates a custom list of data for the user which indicates bookmarks associated with the broadcast event. For example this list of data could take the form, but not limited to, a World Wide Web (www) page on the internet."...* *"network access device 21 such as a set-top box comprising a computer*

*system coupled to a conventional TV tuner 34, or a specialized TV having computer processing capability (i.e. a PCTV), both having conventional network connection capabilities or other means for on-line access to the internet or other networks 60.* " The preceding text excerpts clearly indicate that a user sitting at a PCTV can receive bookmark information/URL/archival address/or any other information related to the event from the network database server and bookmark the websites using a generic conventional web browser; the archival address/bookmark can be stored in a web page also to be viewed by the viewer) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (U.S. Patent No. 5,907,322 and Kelly hereinafter) in view of Jeff Peline ("The San Francisco Chronicle", January 18, 1996 and Peline hereinafter).

The teachings of Kelly have been discussed above.

As to claim 5, Kelly teaches the step of providing identification information (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory" ... "When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40.* " The preceding text excerpt clearly indicates that

the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) for said item of interest (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) to said network server (i.e. the database server at the network 60) (Fig.1).

Kelly does not teach sending an electronic mail message to said network server.

Pelline teaches sending an electronic mail message to said network server (i.e. a magic box/network computer which is analogous to a PC/laptop but with two-way pager, telephone, e-mail and other basic features) (page 1, lines 1-38).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kelly with the teachings of Pelline to include sending an electronic mail message to said network server with the motivation to use Oracle's \$500 network computer, which allows one to surf the internet, send e-mail and perform word processing (Pelline, page 1, lines 2-3 and lines 13-14).

As to claim 19, Kelly teaches that the step of viewing (Fig.1; Fig. 4; col 2, lines 35-67; col 3, lines 1-28) is preceded by the step of receiving identification information (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory" ... "When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40."* The preceding text excerpts clearly indicate that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) for said program (i.e. TV broadcast

program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) **at said network server** (i.e. the database on the network that provides/serves information related to the TV event to the viewer; a server is any computer or program (i.e. database) that responds to commands from a client. In other words, any software entity that serves a clients request) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

**Kelly does not teach receiving an electronic mail message at said network server.**

Pelline teaches receiving an electronic mail message at said network server (i.e. a magic box/network computer which is analogous to a PC/laptop but with two-way pager, telephone, e-mail and other basic features) (page 1, lines 1-38).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kelly with the teachings of Pelline to include receiving an electronic mail message at said network server with the motivation to use Oracle's \$500 network computer, which allows one to surf the internet, send e-mail and perform word processing (Pelline, page 1, lines 2-3 and lines 13-14).

13. Claims 6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (U.S. Patent No. 5,907,322 and Kelly hereinafter) as discussed in the above rejections in view of Rob Guth ("Oracle unveils 'Internet Toaster' prototypes, SunWorld, march, 1996 and Guth hereinafter).

The teachings of Kelly have been discussed above.



As to claim 6, Kelly teaches step of providing identification information (i.e. *"activity record (AR) entry comprises data describing the date, time, and channel is stored into an electronic memory" ...* *"When the viewer is ready to browse the websites associated with the selected broadcast events, either network access device 21, or personal computing device 20 of Fig.4, transmits activity table 204 comprising the AR entries and also viewer identifying data, such as particular demographic data, for example the postal code of the viewer's location, via on-line service 60 to a central database 40."*) (The preceding text excerpts clearly indicate that the viewer provides viewer identification information along with the TV event identifying information to the central database/database server on the network/internet) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) for said item of interest (i.e. TV broadcast program e.g. a TV advertisement, a TV news broadcast, a TV educational or entertainment program) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) to said network server (i.e. the database on the network that provides/serves information related to the TV event to the viewer; a server is any computer or program (i.e. database) that responds to commands from a client. In other words, any software entity that serves a clients request) (Fig.1; col 2, lines 35-67; col 3, lines 1-28) (Fig.1; col 2, lines 35-67; col 3, lines 1-28).

Kelly does not teach orally communicating information to said network server.

Guth teaches orally communicating information to said network server (i.e. a magic box/network computer which is analogous to a PC/laptop but with two-way pager, telephone and other basic features communicates to a network server) (Guth, page 1, lines 7-15).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kelly with the teachings of Guth to include orally communicating information to said network server with the motivation to use a low-cost network access device that would sell for less than \$500 (Guth, page 1, lines 3-4).

As to claim 13, Kelly does not teach that the user input device is a two-way pager.

Guth teaches that the user input device is a two-way pager (i.e. a magic box/network computer which is analogous to a PC/laptop but with two-way pager, telephone and other basic features) (Guth, page 1, lines 5-15).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kelly with the teachings of Guth to include that the user input device is a two-way pager with the motivation to use a low-cost network access device that would sell for less than \$500 (Guth, page 1, lines 3-4).

As to claim 14, Kelly does not teach that the network server includes voice recognition software.

Guth teaches that the network server includes voice recognition software (i.e. a magic box/network computer which is analogous to a PC/laptop but with two-way pager, telephone and other basic features communicates to a network server) (Examiner asserts that the telephone is communicating to the network server; therefore for the network server to interpret the voice from the telephone, it needs to recognize the voice and hence must have a voice recognition software, and also numerous age old PCs come with voice recognition software) (Guth, page 1, lines 5-15).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kelly with the teachings of Guth to include that the network server includes voice recognition software with the motivation to use a low-cost network access device that would sell for less than \$500 (Guth, page 1, lines 3-4).

As to claim 15, Kelly does not teach that the user input device is a telephone.

Guth teaches that the user input device is a telephone (i.e. a magic box/network computer which is analogous to a PC/laptop but with two-way pager, telephone and other basic features and communicates to a network) (Guth, page 1, lines 5-15).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kelly with the teachings of Guth to include that the user input device is a telephone with the motivation to use a low-cost network access device that would sell for less than \$500 (Guth, page 1, lines 3-4).

14. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (U.S. Patent No. 5,907,322 and Kelly hereinafter) as discussed in the above rejections in view of Jakob Nielsen (U.S. Patent No. 5,890,164 and Nielsen hereinafter).

The teachings of Kelly have been discussed above.

As to claim 10, Kelly does not teach the step of determining whether said item of interest is archived on said second medium.

Nielsen teaches determining whether said item of interest (i.e. a file; A web TV show or a web page is also a file) (abstract; col 1, lines 30-42) **is archived** (i.e. *"the system monitors a large number of information sources such as pages on the World Wide Web, a user may not have time to normally look at each source at regular intervals"*) The preceding text excerpts clearly indicate that the system looks for changes in the

websites and therefore is able to detect a file (i.e. the item of interest) is archived/stored in the web sites) (Abstract; col 1, lines 30-42) on said second medium (i.e. web sites) (abstract; col 1, lines 30-42).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kelly with the teachings of Nielson to include determining whether said item of interest is archived on said second medium with the motivation to help a user monitor web pages because the user may not have time to normally look at each source at regular intervals (Nielson, Abstract, lines 1-3).

As to claim 22, Kelly teaches the step of determining an archival address (i.e. *"When the viewer wants to access the various websites associated with the selected broadcast events, the viewer then activates download button 17 to transfer stored AT 204 to personal computing device 20 via the wireless interface 231 or the I/O interface 233. When viewer activates network access button 16 ("GO"), personal computing device 20 transmits AT 204 to database 40, whereupon in response, database 40 transmits to personal computing device 20 the network address of the associated website correlating the viewer's selection."* The preceding text excerpts clearly indicates that the database identifies/determines the network address or the URL of the website, which archives/stores the viewer's item of interest and transmits/sends to the viewer's personal computing device. If there is no archived program/event/advertisement, the database can not return an address therefore any other action other than returning the address would provide an indication of the event being not at the broadcaster's/ advertiser's web site.) (Fig.1; Fig. 4; col 5, lines 50-67) **returns an indication** (Fig.1; Fig. 4; col 5, lines 50-67) **that said program has not yet been archived** (Fig.1; Fig. 4; col 5, lines 50-67).

Kelly does not teach the step of periodically accessing a database contained in said network server to determine when said program has been archived.

Nielson teaches the step of periodically accessing a database contained in said network server (i.e. web sites/pages, which are stored in a database/file repository on the network/internet and

the system monitors/accesses the database and therefore is able to determine when a new file (i.e. the broadcast TV show) is stored/archived in the database/file repository) (abstract; col 1, lines 52-60) to determine when said broadcast program of interest (i.e. the files/web pages etc.) (abstract; col 1, lines 52-60) has been archived (abstract; col 1, lines 52-60).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kelly with the teachings of Nielson to include periodically accessing a database contained in said network server to determine when said broadcast program of interest has been archived with the motivation to help a user monitor web pages because the user may not have time to normally look at each source at regular intervals (Nielson, abstract, lines 1-3).

### ***Conclusion***

15. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Art Unit: 2165

***Points of Contact***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached at (571) 272-4083. The fax numbers for the group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

  
Apu M. Mofiz  
Patent Examiner  
Technology Center 2100

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